

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

KOREA ADVANCED INSTITUTE OF
SCIENCE AND TECHNOLOGY

Plaintiff,

v.

KIP CO., LTD. f/k/a KAIST IP Co., Ltd.;
P&IB CO., LTD.;
IN GYOO KANG;
KIPB LLC f/k/a KAIST IP US LLC;
PAULINA FUNDINGCO, LLC; and
U.S. BANK NATIONAL ASSOCIATION

Defendants.

Case No. 2:22-CV-00317-WED

Action Filed: March 5, 2022

**DEFENDANTS KIP CO., LTD., P&IB CO., LTD., IN GYOO KANG, AND
KIPB LLC'S MOTION TO DISMISS**

Defendants KIP Co., Ltd. ("KIP"), P&IB Co., Ltd. ("P&IB"), In Gyoo Kang, and KIPB LLC respectfully move the Court to dismiss Claims III, IV, V, VI, and VII of Plaintiff Korea Advanced Institute of Science & Technology ("KAIST")'s Complaint under the doctrine of *forum non conveniens* due to the existence of KAIST's enforceable, binding arbitration agreements with KIP and P&IB that designate the proper arbitral forum, Count II of the Complaint under Fed. R. Civ. P 12(b)(6) because KAIST is merely a conditional general creditor that does not have a judgment with no cognizable interest in the assets of KIP held in the escrow account, and Count I of the Complaint as it is not a stand-alone legal claim but merely a form of remedy, or alternatively, under Fed. R. Civ. P 12(b)(1) for lack of subject matter jurisdiction or as a matter of this Court's broad discretion as this is an extraterritorial dispute among parties who never agreed to United States dispute resolution.

WHEREFORE, for all the foregoing reasons and the reasons fully set forth in the supporting memorandum of law, KIP Co., Ltd., P&IB Co., Ltd., In Gyoo Kang, and KIPB LLC request that this Court dismiss Plaintiff's claims in their entirety.

Dated: March 30, 2022

Respectfully submitted,

/s/ Hyung Gyu Sun

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Ltd., In Gyoo Kang, and KIPB LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the foregoing was served by electronic delivery to the following registrants:

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